

**Amendment and Response**

Applicant: Douglas E Woehler

Serial No.: 10/685,364

Filed: October 14, 2003

Docket No.: C283.101.102

Title: LOCATION SYSTEM

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed March 31, 2009. Claims 16-29 and 47-59 have been withdrawn from consideration. Claims 1-15, 30-46 and 60-63 were rejected. With this Response, claims 1, 30, and 60 have been amended, and claim 64 has been added. Claims 1-15, 30-46 and 60-64 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 112**

Claims 1-15, 30-46 and 60-63 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With this Response, each of the independent claims 1, 30, and 60 has been amended so as to clarify that a location identifier transmits the identification signal **via a wireless transmitter**. With said clarifying amendment, and as described below, Applicants submit that it is clear that the identification signal is not on optical signal, as is the optical signal representative of the physical location code as provided by the location transmitter, but is of a non-optical type wireless signal (e.g. radio signal).

Support for the amendments to claims 1, 30, and 60 can be found throughout the present specification. For example, with reference to Figure 6, the location identifier 16 includes a wireless transmitter 212 (page 10, lines 28-29). At page 12, lines 13-17, wireless transmitter 212 is described as continually transmitting the identification signal 32, with wireless transmitter 212, in one embodiment, being an existing wireless transmitter on the aircraft to which location identifier 16 is mounted, with wireless transmitter 212 configured to transmit identification signal 32 via a spare channel. It is further noted that the present application claims priority to U.S. Provisional Patent Application No. 60/418,932 filed October 15, 2002, and which was incorporated by reference. With reference to Figure 1 and the associated description on page 4, lines 25-25, of said provisional patent application, wireless data transmitter 32 (corresponding to the wireless transmitter of present claims 1, 30, and 60) is illustrated as being on an aircraft and

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transmitting data via an antenna 34, with the transmitted signal (corresponding to the identification signal of present claims 1, 30, and 60) being indicated on Figure 1 as a radio link.

Additionally, it is noted that throughout the present specification, that location transmitter 14 is consistently described as transmitting a digital optical signal 24, while location identifier 16 is consistently described as transmitting an identification signal 32 (see for example, the present specification at page 4, lines 1-7). Furthermore, at page 14, lines 15-17, the identification signal is described as being a wireless identification signal, not an optical signal. At least some of the occurrences of the term digital optical signal are at page 3 lines 26 and 30, page 4 lines 6, 11, 23, 29, and 31, page 11, lines 6, 13, and 21, and page 12 line 20. At least some of the occurrences of the term identification signal are at page 4 lines 1, 3, 11, and 24, page 12 lines 8 and 11, and page 14 lines 17 and 22. In all of these instances, the signal provided by location transmitter 14 is described as a digital optical signal, while the signal provided by location transmitter 16 is described simply as an identification signal. As such, identification signal 32 is consistently described as an intended to be of a signal type other than an optical signal.

In view of the above, Applicant respectfully submits that amended independent claims 1, 30, and 60, in view of the specification, clearly define that the identification signal is transmitted by a wireless transmitter which is something other than an optical signal transmitter. As such, Applicants respectfully submit that independent claims 1, 30, and 60, and claims 2-14, 31-46, and 62-63 depending therefrom, are in definite form, and respectfully request that the rejections of claims 1-15, 30-46, and 60-63 under 35 U.S.C. 112, second paragraph, be withdrawn and that pending claims 1-15, 30-46, and 60-63 be allowed.

**Added Claim**

With this Response, claim 64 has been added. Claim 64 depends from independent claim 1 and further defines the wireless transmitter as comprising a radio frequency transmitter. Support for added claim 64 can be found in U.S. Provisional Patent Application No. 60/418,932 filed October 15, 2002, from which priority is claimed and which is incorporated by reference. Added claim 64 further defines patentably distinct independent claim 1 and, as such, is believed

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to be in allowable form over the art of record. As such, allowance of added claim 64 is respectfully requested.

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**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 1-15, 30-46 and 60-64 are in form for allowance and are not taught or suggested by the cited references.

Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-15, 30-46 and 60-64 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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